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6 UNITED STATES DISTRICT COURT

7 FOR THE EASTERN DISTRICT OF CALIFORNIA

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9 STEVEN WILBER and STEVEN  
10 WILBER, Guardian Ad Litem for Noah  
Lane Prine-Wilber,

11 Plaintiffs,

12 v.

13 DELHI UNIFIED SCHOOL DISTRICT, et  
14 al.,

15 Defendants.

Case No. 1:24-cv-00600-BAM

**ORDER GRANTING STIPULATION TO  
REMAND CASE TO STATE COURT,  
DISMISS PLAINTIFFS' SIXTH CAUSE OF  
ACTION OF DISABILITY  
DISCRIMINATION WITH PREJUDICE,  
AND DISMISS PLAINTIFFS' REQUEST  
FOR ATTORNEYS' FEES**

(Doc. 6)

16 The instant action was removed from Merced County Superior Court on May 20, 2024.  
17 (Doc. 1.) On June 6, 2024, the parties filed a stipulation indicating that Plaintiffs Steven Wilber  
18 and Steven Wilber, Guardian Ad Litem for Noah Lane Prine-Wilber, have agreed to dismiss the  
19 Sixth Cause of Action for Disability Discrimination with prejudice and to dismiss Plaintiffs'  
20 Request for Attorney's Fees, conditioned upon Defendants Delhi Unified School District and  
21 Kevin Ross agreeing to stipulate to a remand of this action to state court. The parties have agreed  
22 to these terms. The parties also have agreed that Defendants will have 21 days from the date of  
23 the Superior Court's acceptance of this remanded case to file a responsive pleading to Plaintiff's  
24 Second Amended Complaint. (Doc. 6.)

25 Having considered the parties' stipulation, and cause appearing, IT IS HEREBY  
26 ORDERED as follows:

27 1. This action is remanded to Merced County Superior Court.  
28 2. Plaintiffs' Sixth Cause of Action for Disability Discrimination is dismissed with

1 prejudice.

2 3. Plaintiffs' Request for attorneys' fees is dismissed.

3 4. Defendants' responsive pleading to Plaintiffs' Second amended Complaint shall be  
4 due on or before 21 days from the date when the Merced County Superior Court  
5 accepts remand of this action.

6 IT IS SO ORDERED.

7 8 Dated: June 13, 2024

/s/ *Barbara A. McAuliffe*  
9 UNITED STATES MAGISTRATE JUDGE

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